Report on the Administration of Criminal Justice in the Province of Bengal

During the year 1941

Issued by the Authority of the
High Court of Judicature at Fort William in Bengal

Maximum number of pages fixed for the narrative portion is fifteen

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1943

Price—Indian, annas 4; English, 6d.

Report on the Administration of Criminal Justice in the Province of Bengal during the year 1941

1. **Judicial Staff.**—For sessions work, the staff employed during the year consisted of 22 Sessions Judges and 12 Additional Sessions Judges. Forty-eight Subordinate Judges vested with the powers of an Assistant Sessions Judge were employed for various periods, viz., seven at 24-Parganas, four at Mymensingh, three each at Dacca and Chittagong, two each at Burdwan, Midnapore, Hooghly, Howrah, Khulna, Faridpur, Bakarganj, Pabna, Tippera and Noakhali and one each at Birbhum, Bankura, Nadia, Murshidabad, Jessore, Rajshahi, Malda, Dinajpur, Jalpaiguri, Rangpur and Bogra; they decided 762 cases. Eight temporary Additional Sessions Judges were also employed in the province, two at Bakarganj, viz., one throughout the year and the other from the 17th February till the 19th September; two at Tippera, viz., one from the 1st January till the 19th September and the other from the 2nd July till the 19th September; one at Dacca from the 15th May till the 1st July; one at Dinajpur from the 1st May till the 19th September; one at Midnapore from the 8th April till the end of the year, exclusive of the civil court vacation and one at the 24-Parganas from the 1st to the 31st January.

The magisterial staff employed during the year, including that of the Presidency-town, consisted of 412 Stipendiary and 361 Honorary Magistrates. These figures represent a decrease of 17 and an increase of 1, respectively, on the numbers of the previous year. One Special Magistrate was employed at Hatiya (Noakhali) for 95 days during the year and he disposed of 104 cases. Of the 412 Stipendiary Magistrates, 276 exercised first, 105 second and 31 third class powers. There were 75 Benches of Magistrates constituted from among 319 Honorary Magistrates in the mufassal. Of these, 61 were independent and 14 were restricted to the trial of cases under the Municipal Act.

2. (*a*) **Special Magistrates under the Bengal Suppression of Terrorist Outrages Act.**—During the year, 2 cases with 2 persons were brought to trial and disposed of under the Bengal Suppression of Terrorist Outrages Act. Both the persons were convicted.

(*b*) **Special Magistrates appointed at important railway centres for the trial of Railway Act cases.**—Special Magistrates were appointed for the trial of Railway Act cases at Howrah, Burdwan and Asansol on the East Indian Railway and Parbatipur on the Eastern Bengal Railway. During the year under review, 12,522 cases with 22,862 persons were brought to trial. Of the persons tried, 20,821 were convicted and 385 acquitted.

The total amount of fines and fares imposed during the year was Rs. 48,017-1-6 and Rs. 32,163-15-6, respectively. Rs. 7,437-13-3 was realised as fine and Rs. 4,301-4-9 as fare. Rs. 3,941-7 on account of fine and Rs. 4,117-1-9 on account of fares were the unrealised amounts outstanding at the close of the year. Large amounts of fines and fares were remitted (1) owing to non-execution of distress warrants as no assets or trace of the accused persons could be found, and (2) owing to the fact that the convicted persons had undergone imprisonment in default of fines.

3. **Offences reported.**—The number of offences reported during the year combined with the number pending from the previous year was 418,901 against 402,729 in 1940.

Of this number, 189,799 were under the Indian Penal Code and 229,102 under Special and Local Laws. These figures are 3,932 less and 20,104 more, respectively, than those of 1940. The decrease was most marked in Dacca, Mymensingh and Nadia as regards offences under the Penal Code, while under Special and Local Laws the increase was most noticeable in the Presidency-town, the 24-Parganas and Chittagong.

4. **Cases found to be true.**—Of the total number of cases under enquiry, 335,762 were found to be true, and of these 294,341 were brought to trial. Compared with the previous year, the figures showed an increase of 19,257 and 16,483, respectively.

Original Jurisdiction

Magistrates' Courts

5. Of the total number of cases brought to trial, 107,941 were in the courts of the Police and Municipal Magistrates in the Presidency-town, and 186,400 in the courts of Magistrates in the mufassal.

I—Presidency Magistrates, Calcutta

6. The number of cases brought before the Presidency Magistrates, including the Municipal Magistrates, was 107,941 or 14,637 more than in 1940. The number of cases under Special and Local Laws rose from 86,500 to 100,723 and that under the Penal Code from 6,804 to 7,218. The rise in the number of cases under the Special and Local Laws when compared with the preceding year was mainly due to an increase in offences under the Police Town Acts which rose from 41,091 to 51,032; and under the Penal Code, the increase was due to offences under the head "affecting the public health, safety", etc., which rose from 1,298 to 2,147.

The Presidency Magistrates (43 Honorary and 6 Stipendiary) other than the Municipal Magistrates disposed of 83,134 cases during the year. Honorary Magistrates were responsible for the disposal of 63,754 cases. The corresponding figure for 1940 was 48,081.

The number of witnesses examined before the Police Magistrates was 20,809 as compared with 22,199 in 1940. The number who attended and were discharged without examination was 1,724 or 7·6 per cent. against 2,338 or 9·5 of the total number in attendance in 1940. Of the total number in attendance, 15,636 (69·4) were discharged on the first, 5,807 (25·8) on the second, 991 (4·4) on the third and 99 (·4) after the third day. The number of witnesses detained for more than three days was 41 less than in 1940. A sum of Rs. 2,551-2-3 against Rs. 2,977-7-9 in 1940 was paid to witnesses in private cases on account of the expenses of their attendance, and Rs. 9,130 was paid to witnesses in police cases during the year 1941 as against Rs. 10,766-3-0 in the previous year.

The number of cases brought before the Municipal Magistrates during the year was 24,793 and the number disposed of by them was 24,787. Compared with the figures of 1940, the number of cases instituted and disposed of showed a decrease of 137 under each head.

The number of witnesses examined before the Municipal Magistrates fell from 31,060 to 29,923. Of those in attendance, none was detained for more than three days as in the preceding year.

7. **Results of trials.**—The aggregate number of persons under trial before the Presidency Magistrates, other than the Municipal Magistrates, was 87,523. Of the persons tried, 5,276 were acquitted or discharged, 81,038 were convicted, 45 were committed to sessions and 1,164 remained under trial at the close of the year. Of the persons acquitted or discharged, the cases of 1,325 were compounded, withdrawn or dismissed for default. Of 8,475 persons tried for offences under the Penal Code, 4,700 were convicted and 3,775 acquitted or discharged. The results of trials before each class of Magistrates during the year are shown below:—

	Acquitted or discharged.	Convicted.	Percentage of convictions.
Stipendiary Magistrates.	3,925	18,965	82·8
Benches of Magistrates.	..	..	..
Honorary Magistrates sitting singly.	1,351	62,073	97·9

Of the persons convicted, 1,997 were punished with imprisonment, 66,489 with fine or forfeiture, and 102 with whipping. In addition to these sentences, 12 persons were required to give security.

Two hundred and fourteen persons were released on probation under section 562, Criminal Procedure Code.

Twenty-eight thousand one hundred and eight persons were under trial before the Municipal Magistrates. Of them 25,718 were convicted, 2,383 were acquitted or discharged, 1 died and 6 remained under trial at the close of the year. The percentage of convictions was 91·5. Of the persons convicted, 4,790 were punished with fine.

The fines imposed in police courts aggregated Rs. 1,49,150 against Rs. 1,46,086 in 1940. Rs. 1,09,083 was realised, of which Rs. 219 was paid as compensation to complainants against Rs. 1,07,919 and Rs. 509 in the previous year. Rs. 53,218 was imposed as fines in the municipal courts and Rs. 47,207 realised during the year. Out of this amount, nothing was paid to complainants by way of compensation.

II—Magistrates outside Calcutta

8. **Cases disposed of.**—During the year 186,400 cases were brought to trial against 184,554 in the previous year. Including cases committed to the sessions, 185,068 cases were disposed of during the year against 182,096 in 1940.

The increase in the number of cases disposed of during the year was the highest in the 24-Parganas (6,429), followed by Howrah (2,038) and Chittagong (673); while the decrease was the greatest in Dacca (1,047), the next lowest in order being Burdwan (732), Dinajpur (661) and Hooghly (576).

The disposals were distributed as follows:—

District Magistrates	...	4
Subordinate Stipendiary Magistrates	...	140,478
Honorary Magistrates	...	35,554
Benches of Magistrates	...	8,865
Special Magistrates	...	104

In addition to the cases shown above, District Magistrates decided 63 cases referred to them under sections 347 and 349 of the Code of Criminal Procedure.

The number of cases decided during the year was 2,972 more than in 1940. The increase occurred in the courts of the Honorary Magistrates and in the Benches of Magistrates, their respective disposals being 5,725 and 484 more than in the preceding year. The number of cases disposed of by the Stipendiary Magistrates, the District Magistrates and a Special Magistrate showed a decrease of 2,915, 265 and 57, respectively.

9. **Results of trials.**—In the cases finally disposed of by Magistrates, 295,003 persons were accused or 2,576 less than in 1940. Of the total, 148,162 or 50·2 per cent. were acquitted or discharged and 146,841 or 49·8 per cent. were convicted. In 1940 the percentage of conviction was 48·5.

Of the persons acquitted or discharged, the cases of 83,046 were compounded, withdrawn or dismissed for default. The percentage of convictions of persons actually tried was 69·3 per cent. against 67·1 in 1940.

Of the persons tried for offences under the Indian Penal Code, 35,908 or 22·1 per cent. were convicted and 126,734 or 77·9 per cent. acquitted or discharged. Of the latter, the cases against 75,360 persons were compounded, withdrawn or dismissed for default without trial and those against 51,374 after trial; the percentage of convictions on the total number acquitted or discharged being 41·1 per cent. against 39·6 in 1940.

The total number of persons awaiting trial before Magistrates at the close of 1941 was 38,853 as compared with 31,427 in 1940. Of these, 2,513 were awaiting trial for more than six months, and again of these 68 persons were in custody at the close of the year against 10 in 1940. Explanations of delays in the disposal of all cases pending for more than three months, submitted by the Magistrates concerned, have been considered by the High Court, and necessary orders have been passed on them.

The general result of the trials before Magistrates of each class was as follows :—

Class of Magistrates.	Number of persons—		Percentage of convictions.
	Acquitted or discharged.	Convicted.	
Benches of Magistrates.	3,565	6,878	65·9
Subordinate Stipendiary Magistrates.	119,382	102,536	46·2
Honorary Magistrates.	24,984	37,301	59·9
Special Magistrates	220	26	10·6
District Magistrates	11	100	90·1

10. **Punishments.**—The sentences passed on persons convicted were as follows :—

Imprisonment	...	19,288
Fine or forfeiture	...	123,527
Whipping	...	194

In addition to these sentences, 2,657 persons were required to give security.

Three thousand three hundred and six persons were released on probation under section 562 of the Code of Criminal Procedure. Against 9 persons who had previously been so released, proceedings were subsequently taken and of them 6 were convicted and punished.

Excluding the cases of 53 youthful offenders whose sentences were commuted to detention in a reformatory school, sentences of imprisonment were imposed on 2,155 persons for terms not exceeding fifteen days; on 12,229 persons for terms not exceeding six months; on 4,849 persons for terms not exceeding two years; and on 2 persons for terms exceeding two years.

Sentences of whipping were passed on 194 persons against 142 in the preceding year.

The fines imposed aggregated Rs. 11,33,161 against Rs. 11,98,822 in 1940. Rupees 6,39,485 was realised, of which Rs. 74,251 was paid as compensation to complainants against Rs. 6,74,764 and Rs. 93,263, respectively, in the previous year.

11. **Miscellaneous proceedings under the Code of Criminal Procedure.**—The total number of miscellaneous cases decided during the year was 7,764 against 8,305 in the previous year.

12. **Frivolous or vexatious accusations.**—The provisions of section 250 of the Code of Criminal Procedure were utilised in 164 cases. The complainants were ordered to pay compensation to the extent of Rs. 3,880. Of this amount, Rs. 2,079 was realised and was paid as compensation to the accused persons.

13. **Witnesses.**—The number of witnesses examined in the courts of magistrates in the mufassal was 466,182 as compared with 410,327 in 1940. The number who attended and were discharged without examination was 89,726 or 16·1 per cent. of the whole number in attendance; the percentage in the preceding year was 27·9. The amount paid to witnesses on account of the expenses of their attendance rose from Rs. 3,35,169 in 1940 to Rs. 3,54,547 in 1941.

Of the total number in attendance, 334,211 (60·1 per cent.) were discharged on the first day; 168,235 (30·3 per cent.) on the second day; 49,342 (8·9 per cent.) on the third day; and 4,120 (0·7 per cent.) after the third day. The number of witnesses detained for more than three days was 930 more than in 1940.

The districts in which the largest percentage of witnesses was detained for more than three days were 24-Parganas (3·0), Bogra (2·3) and Tippera (1·9). Explanations of these detentions have been dealt with by the High Court.

14. **Trials of European British subjects.**—The cases of 7 European British subjects (4 in Darjeeling, and one each at Rajshahi, Jalpaiguri and the 24-Parganas) were decided during the year against 19 in the previous year. Of the accused persons, two claimed to be tried as a European British subject. Besides, the case of one European

enemy foreigner subject was decided in Darjeeling during the year. All of them were dealt with by magistrates.

In the cases disposed of by magistrates, 6 were convicted and 1 acquitted. The convictions in 5 cases were for offences under special and local laws and in 1 for an offence of criminal force and assault. Of the persons convicted by the magistrates, one was acquitted on appeal by the Sessions Judge.

The case of one European British subject in Hooghly was committed to the Court of session under section 446, Criminal Procedure Code. The Sessions Judge referred it to the High Court under section 438, Criminal Procedure Code, for quashing the order of commitment. The reference was accepted by the High Court and the case remanded to the magistrate with the direction that he should take all the evidence adduced by the prosecution and then decide whether the accused should be discharged or committed to the sessions.

III—Courts of Session

15. **Cases disposed of.**—The number of cases disposed of in the courts of session was 1,757 against 1,788 in the previous year.

16. **Results of trials.**—There were 7,183 persons or 540 more than in 1940 under trial before the courts of session. The cases of 5,713 persons were decided, 11 persons died or escaped and 1,459 persons remained under trial at the close of the year. Of the 5,713 persons tried, 2,742 or 47·9 per cent. were convicted and 2,846 were acquitted or discharged and the cases of 125 persons were referred to the High Court under sections 307 and 374 of the Code of Criminal Procedure; the figures for 1940 were 2,736 or 49·5 per cent., 2,681 and 109, respectively.

17. **Punishments.**—The following sentences were passed by the courts of session :—

Death ...	31
Transportation or penal servitude ..	108
Imprisonment ...	2,588
Fine or forfeiture ...	53
Whipping ...	32

In addition to these sentences, 83 persons were required to give security.

Excluding the cases of 23 youthful offenders whose sentences were committed to detention in a reformatory school, the sentences of imprisonment were passed for the following terms :—

Not exceeding—	
15 days ...	9
6 months ...	216
2 years ...	711
Exceeding 2 years ...	1,629

Fines to the amount of Rs. 9,867 were imposed by the courts of session as compared with Rs. 10,916 imposed in the preceding year. The total realisation of the year aggregated Rs. 902 as compared with Rs. 1,064 in 1940. The amount paid from fines realised as compensation was Rs. 100 against Rs. 851 in 1940.

18. **Jury trials.**—The number of persons tried by jury was 5,397 and of the persons so tried, the Sessions Judge approved of the verdict of the jury in respect of 5,304 persons and disapproved of it in respect of 93. The cases of these persons were referred to the High Court under section 307 of the Code of Criminal Procedure.

19. **Trials by assessors.**—The number of persons tried with the aid of assessors was 157. In the cases of 88 persons the Sessions Judge concurred in the opinion of all the assessors; in the cases of 63 he differed from the opinion of one or more assessors and in the cases of 6 he differed from the opinion of all the assessors.

20. **Duration of cases.**—The average duration of sessions trials, from the date of commitment to the date of decision, rose from 54·3 in 1940 to 57·1 days in 1941. Notice was taken by the High Court of all cases of unusual duration.

The duration of cases was notably high in the districts of Rangpur, Malda, Jalpaiguri and Darjeeling, it having risen from 39·2 to 56 days in Rangpur, from 40 to 65 days in Malda, from 48 to 73 days in Jalpaiguri and from 53 to 74 days in Darjeeling. On the other hand, there was a reduction from 63·7 to 43 days in Howrah, from 70·3 to 50·4 days in Pabna and from 73·1 to 56 days in Faridpur.

21. **Witnesses.**—The number of witnesses in attendance before the courts of session was 30,384. Of these, 27,676 were examined and 2,708 discharged without examination, against 29,124 and 3,571, respectively, in 1940.

Of the total number in attendance, 25,428 (83·7 per cent.) were discharged on the first day; 4,123 (13·6 per cent.) on the second day, 710 (2·3 per cent.) on the third day, and 123 (·4 per cent.) after the third day. The proportion of witnesses discharged after the third day was smaller than in 1940 by 37 or ·1 per cent. The High Court have taken due notice of cases of excessive detention of witnesses in reviewing the district reports. The amount paid to witnesses on account of the expenses incurred by them in attending sessions trials was Rs. 80,766 as compared with Rs. 87,189 in 1940. Rs. 1,116-11, Rs. 79-15-11 and Rs. 1,370-3, respectively, were paid to jurors, assessors and witnesses discharged during the year before trial opened and on adjournment after opening.

22. **Cases disposed of in the High Court Sessions.**—The number of cases disposed of was 26 against 31 in the previous year.

Altogether 47 persons were tried, of whom 35 were discharged or acquitted and 12 convicted.

Appellate Jurisdiction

I—High Court

23. At the opening of the year, 93 appeals from sentences or orders of criminal courts were pending before the High Court. During the year 655 appeals were preferred and 654 were decided, leaving 94 pending at its close.

The number preferred and decided was 43 and 82 less than in the preceding year. The pending file showed an increase of one appeal.

Of the appeals preferred against sentences, 532 were from courts of session and 114 from courts of Presidency Magistrates. Nine appeals were preferred by the Provincial Government against orders of acquittal.

24. **Results of appeals.**—The results of criminal appeals decided in the High Court during the year under review are shown in the following statement:—

	Decided after admission.							
	Confirmed.	Enhanced.	Reduced, altered or modified.	Reversed or proceedings quashed.	Retrial ordered.	Otherwise disposed of.	Appeals summarily dismissed.	Total.
1	2	3	4	5	6	7	8	9
Appeals from Presidency Magistrates.	12	..	2	13	2	..	92	121
Appeals from Sessions Judges.	68	..	37	34	16	..	371	526
Appeals by Government	6	..	..	..	..	..	1	7
Total ..	86	..	39	47	18	..	464	654

25. **Criminal work of the High Court.**—The following statement shows in detail the criminal business which came before the High Court in its Appellate Jurisdiction during each of the past three years:—

II—Appellate Courts subordinate to the High Court

26. **Sessions Courts.**—The number of appeals disposed of in the courts of session was 4,798 against 4,892 in the previous year. In the appeals decided, 8,579 persons were concerned.

The appeals of 2,203 persons or 25·7 per cent. were summarily dismissed; 3,060 appellants, whose appeals were admitted, were altogether unsuccessful; 1,229 obtained an alteration of sentence; and 1,933 were acquitted. The cases of 154 appellants were otherwise disposed of.

The proportion of persons whose appeals were wholly unsuccessful, successful in obtaining an alteration of the original orders, and successful in obtaining their reversal was 61·3, 14·3 and 22·5, respectively. Of those concerned in admitted appeals only, the proportions were 47·9, 19·3 and 30·3 per cent. In the case of admitted appeals, the results were less favourable to appellants than in the previous year.

27. **Magistrates' Courts.**—In the courts of magistrates 3,456 appeals were decided against 3,489 in the previous year. In the appeals decided, 6,819 persons were concerned. Of these, the appeals of 1,558 were rejected, and the sentences of 2,184 whose appeals were admitted, were confirmed, making a total of 3,742 wholly unsuccessful appellants, or 54·9 per cent. Of the remainder, 983 appellants or 14·4 per cent. obtained an alteration of the sentences passed on them, 1,969 or 28·9 per cent. their total annulment and the cases of 125 appellants were otherwise disposed of. Compared with 1940, the results were more favourable to appellants.

Superintendence, Reference and Revision

I—High Court

28. **References under section 307, Code of Criminal Procedure.**—Five references made

	Brought before the Court. (a)			Heard and determined. (a)			Pending at the close of (a)		
	1939.	1940.	1941.	1939.	1940.	1941.	1939.	1940.	1941.
1	2	3	4	5	6	7	8	9	10
Appeals—									
Under section 410, Cr. P. C.	735	797	739	655	843	737	149	103	105
Ditto 417, Cr. P. C. ..	7	8	9	7	7	7	2	3	5
References—									
Under section 123, Cr. P. C.	..	..	..	..	..	..	..	..	..
Ditto 307, Cr. P. C.	50	57	43	54	55	44	6	8	7
Ditto 339, Cr. P. C.	..	..	..	..	..	..	..	..	..
Ditto 341, Cr. P. C.	..	2	1	..	2	1	..	..	..
Ditto 374, Cr. P. C.	24	20	30	20	24	27	5	1	4
Ditto 432, Cr. P. C.	3	..	..	3	..	..	..	..	..
Revisions—									
Under section 435, Cr. P. C.	1,366	1,449	1,311	1,231	1,531	1,237	222	140	214
Ditto 438, Cr. P. C.	224	272	235	205	285	227	51	38	46
Ditto 476, Cr. P. C.	21	19	9	13	27	6	8	..	3
Ditto 526, Cr. P. C.	100	79	90	89	86	87	11	4	7
Reference to Full Bench	..	..	1	..	..	..	..	..	1

(a) Includes figures for Assam.

under this section were pending in the High Court at the opening of the year, and 37 were made during the year. Thirty-five of these references, in which 91 persons were concerned, were decided during the year. Of these, 47 persons were acquitted and 44 sentenced to various terms of imprisonment.

29. **References under section 374, Code of Criminal Procedure.**—During the year, 27 references were made under this section for the confirmation of death sentence and none was pending in the High Court at the opening of the year. Of them, 23 cases in which 27 persons were concerned were decided during the year. Sentences of death were confirmed in the cases of 12 persons and commuted to transportation for life in those of 6 persons; one person was sentenced to 10 years' rigorous imprisonment, 2 were ordered to be retried and 6 were acquitted.

30. **Revision.**—During the year, 182 cases were reported for the orders of the High Court by Sessions Judges and District Magistrates under section 438 of the Code of Criminal Procedure, and 33 were pending at the opening of the year. One hundred and eighty-two of these cases were decided during the year and 33 remained undecided at its close.

31. **Applications for transfer.**—Including the number pending from previous year, there were 77 applications under section 526 of the Code of Criminal Procedure for the transfer of cases from one court or district to another for disposal during the year. Of these, 71 were disposed of and 6 remained pending at the close of the year.

II—Courts subordinate to the High Court.

32. **Sessions Courts.**—Including the cases of accused persons who themselves applied for revision of the orders passed on them in the courts of Magistrates and the cases of those against whom such applications were made by complainants, the cases of 6,882 persons were decided on revision by the courts of session during the year. The number was 88 less than in 1940. The applications of 1,608 persons were rejected, while the orders of the lower courts were confirmed in the cases of 3,589 persons. The orders passed were reversed in the cases of 117 persons and altered in the cases of 8 persons. The cases of 1,560 persons were otherwise disposed of.

33. **Magistrates' Courts.**—The cases of 1,865 accused persons, who applied for revision, or against whom applications were made by complainants, came before the District Magistrates for revision. The number was 208 less than in 1940. Of the total, the applications of 760 persons were rejected and in the cases of 656 the original sentence or order was upheld. The sentences or orders were altered in the cases of 33 persons and reversed in those of 215 persons. The cases of 201 persons were otherwise disposed of.

34. **Union Benches.**—Union Benches have been established under the Bengal Village Self-Government Act of 1919 in all the districts of Bengal except Darjeeling. The total number of Benches established and in existence was 1,659 against 1,825 in the previous year. The number of offences reported to these Benches was 85,409 showing a decrease of 2,978 on that of 1940. The working of the Union Benches continued to be satisfactory on the whole. They afforded appreciable relief to the ordinary courts by disposing of a fair number of petty cases during the year. These village tribunals are growing in popularity as they administer speedy justice locally at a very low cost and without any elaborate legal procedure.

35. **General.**—(*a*) The number of offences reported during the year showed an increase of 16,172 over the figure for 1940. The increase was solely under the Special and Local Laws, those under the Penal Code fell by 3,932. About 2,972 more cases were decided by magistrates in the mufassal courts than in 1940, and in the Presidency-town also the disposals rose by 14,585.

The number of appellate and revisional cases disposed of by magistrates in the mufassal fell by 33 and 146, respectively, compared with the figures for 1940. The results of the appeals as in the previous year varied very little, 54·9 per cent. were wholly unsuccessful and the sentences of the rest were either annulled, altered or otherwise disposed of.

(*b*) The number of cases disposed of in the courts of session was less by 31 as compared with the figure for 1940, and the percentage of convictions of persons fell from 49·5 to 47·9. The highest number of sessions cases disposed of throughout the year was in the court of the Sessions Judge of Dinajpur-Jalpaiguri-Darjeeling (58). The next highest number was disposed of in the court of the 1st Additional Sessions Judge of Bakarganj (51), followed by the 2nd Additional Sessions Judge of Bakarganj (45), the 1st Additional Sessions Judge of Mymensingh and the 3rd Additional Sessions Judge of Bakarganj (44 each), the Sessions Judge of Rangpur (41) and the 2nd Additional Sessions Judge of Mymensingh (40).

The number of appeals disposed of in the courts of session fell from 4,892 in 1940 to 4,798 in 1941. The results of the appeals were less favourable to appellants than in the previous year; 61·3 per cent. of the original sentences being confirmed and the rest either reversed, modified or otherwise disposed of.

The number of applications for revision disposed of in the courts of session was 82 less than in 1940 and the number of persons concerned in these cases was also less by 88.

(*c*) The total number of witnesses examined both in the Presidency-town and in the mufassal rose by 51,880 as compared with the figure for 1940. The number of persons detained for more than three days was 4,243 in the mufassal and 99 in the Presidency-town against 3,350 and 140, respectively, in 1940. The amount paid to witnesses on account of the expenses incurred by them for their attendance in magistrates' courts increased by Rs. 17,338 and that in sessions courts fell by Rs. 6,423.

(*d*) Only one person (in Mymensingh) was under trial for an offence against the State, as against the same number in the previous year. The trial ended in the acquittal of the accused person.

One person was under trial for an offence against the Army and Navy in the 24-Parganas during the year. It resulted in the acquittal of the accused person.

36. **Receipts and charges.**—After debiting as usual to the administration of criminal justice a portion of the salaries of judicial officers, proportionate to the time which their returns showed them to have devoted to criminal work, the total charges for the year amounted to Rs. 33,23,130. Of this amount, Rs. 18,52,389 was for the salaries of Judicial officers, Rs. 1,63,608 for fixed and temporary copying establishments, Rs. 1,44,091 for process-servers, Rs. 5,88,760 for other establishments and Rs. 5,74,282 for contingent and refunds.

The receipts amounted to Rs. 18,87,585. Of this amount Rs. 7,89,674 was under fines, Rs. 1,24,655 under process-fees, Rs. 2,26,753 under copying and comparing fees, Rs. 6,32,954 under court-fee stamps receipts and Rs. 1,13,549 was miscellaneous receipts.

Compared with the figures for 1940, the receipts and charges showed a decrease of Rs. 1,31,964 and Rs. 1,88,285, respectively. The decrease in receipts occurred under the heads "fines", "court-fee stamps" and "copying and comparing fees", the amount being Rs. 1,56,684 less than the previous year, on the other hand, there was an increase in receipts by Rs. 24,720 under the head "other receipts credited to Government". The drop in expenditure was chiefly due to the decrease in staff and contingencies which amounted to Rs. 1,83,125; there was, however, an increase in expenditure by about Rs. 5,000 under the heads "process-servers" and "salary of copyists and comparing clerks".

By order of the High Court,

T. H. ELLIS,
Registrar, Appellate Side.

CONTENTS.

Annual Statement 1—(Criminal).

[As revised to conform with the Government of India revised Tables Nos. 25 and 26.]

Number of Judicial Divisions, and number of Officers exercising Appellate or Original Jurisdiction, in the Province of Bengal, on 31st December, 1941, and number of cases decided in, and receipts and charges of, the Courts in that Province in 1941.

Divisions and districts.	Judges of Chief Court of Province.	Number of Sessions Divisions.	Number of Districts.	Sessions Judges.	Other Judges.	District Magistrates.	Other Magistrates.		Number of Criminal cases decided.				Total receipts of Courts.	Total charges of Courts.
									Original.		Appellate.			
							Stipendiary.	Honorary.	Regular.	Miscellaneous.	Regular.	Miscellaneous.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
													Rs.	Rs.
BURDWAN DIVISION.														
Burdwan ..	..	1	1	1	2	1	16	34	11,209	141	271	112	60,291	1,00,475
Birbhum ..	..	1	1	1	1	1	9	7	2,211	122	93	100	20,966	69,981
Bankura ..	..	1	1	1	1	1	7	2	2,498	131	92	62	25,839	41,225
Midnapore ..	..	1	1	2	2	2	29	11	5,683	309	306	189	81,695	1,27,864
Hooghly ..	..	1	1	1	2	1	12	16	5,356	154	282	155	49,518	79,237
Howrah ..	..	1	1	1	2	1	11	27	20,397	284	277	78	1,20,973	1,33,525
PRESIDENCY DIVISION.														
24-Parganas ..	..	1	1	4	7	2	18	35	44,460	806	769	275	2,51,943	3,34,068
Nadia	..	1	1	1	1	1	14	19	4,228	241	184	63	51,926	93,479
Murshidabad ..	..	1	1	1	1	1	10	15	3,091	148	241	73	28,124	83,140
Jessore	..	1	1	1	1	1	16	6	4,328	210	191	58	38,027	1,12,232
Khulna ..	..	1	1	2	2	1	9	9	3,897	276	353	188	43,376	66,253
DACCA DIVISION.														
Dacca	..	1	1	3	3	2	23	13	10,034	662	626	243	1,76,589	1,78,108
Mymensingh ..	..	1	1	3	4	2	23	24	12,752	806	673	202	1,13,662	3,12,721
Faridpur ..	..	1	1	2	2	1	21	6	6,344	492	559	170	78,616	1,66,262
Bakarganj ..	..	1	1	4	2	2	22	8	8,133	436	736	313	86,672	2,88,166
RAJSHAHI DIVISION.														
Rajshahi ..	..	1	1	1	2	1	10	11	4,074	306	230	91	41,064	1,24,232
Malda						1	5	8	1,304	102	80	20	17,795	36,980
Dinajpur ..						1	6	12	3,029	163	169	49	31,938	58,992
Darjeeling ..	..	1	1	1	2	1	11	11	3,084	47	22	21	17,263	48,617
Jalpaiguri ..						1	7	2	3,161	54	70	21	31,176	55,816
Rangpur ..	..	1	1	1	1	1	14	16	4,338	338	328	113	57,157	1,06,172
Bogra	..	1	1	1	3	1	7	6	2,177	154	183	103	21,508	53,083
Pabna						1	15	5	3,435	266	287	126	38,270	1,39,880
CHITTAGONG DIVISION.														
Tippera ..	..	1	1	2	2	2	25	5	7,082	576	536	140	99,741	1,33,314
Noakhali ..	..	1	1	1	2	1	12	5	3,012	139	186	144	40,585	98,096
Chittagong ..	..	1	1	1	3	2	19	6	7,508	401	510	148	58,864	1,04,712
Total ..	..	22	22	36	48	33	371	319	186,825	7,764	8,254	(f)3,257	16,83,578	31,46,630
Calcutta ..	18	1	1	..	..	1	7	43	108,005	701	654	1,317	2,04,007	1,76,500
Total ..	18	23	23	36	48	34	378	362	294,830	8,465	8,908	4,574	18,87,585	33,23,130
Union Benches ..	..	..	..	..	..	..	..	(d)1,659	40,621	..	..	..	37,532	12,599
GRAND TOTAL ..	18	23	23	(a)36	(b)48	(c)34	378	(e)362	335,451	8,465	8,908	4,574	19,25,117	33,35,729

(a) Do both Civil and Criminal work.
(b) Assistant Sessions Judges do both Civil and Criminal work.
(c) Includes Additional District Magistrates and Chief Presidency Magistrate.
(d) The figure indicates the number of Courts and not officers.
(e) Includes one Special Magistrate.
(f) Of these, 764 were decided by Magistrates and the rest by Courts of Session.

Annual Statement 2—(Criminal).

Nature of offences reported and number of persons tried, convicted and acquitted in the Province of Bengal during 1941.

Description of offences.	Number of cases— Offences reported.	Returned as true.	Brought to trial.	Number of persons— Under trial, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another Province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Against the State	1	1	1	1	1	..	..	..
Relating to Army and Navy	1	1	1	1	1	..	..	..
Against public tranquillity	2,156	1,411	1,343	10,925	4,862	2,750	8	3,305
By or relating to public servants	121	80	80	119	54	34	1	30
Contempts of the lawful authority of public servants	4,799	4,179	4,082	7,681	1,982	5,081	8	610
False evidence and offences against public justice..	1,137	770	797	1,442	627	532	..	283
Relating to coin	157	115	119	209	55	95	1	58
Relating to Government stamps	17	12	14	17	5	5	..	7
Relating to weights and measures	97	85	85	106	3	99	..	4
Affecting the public health, safety, convenience, decency and morals	3,817	3,549	3,489	4,288	807	3,208	2	271
Relating to religion	76	50	44	199	63	44	..	92
Affecting the human body.								
Affecting life	1,809	1,492	1,295	3,758	1,655	1,066	12	1,025
Causing miscarriage, injuries to unborn children, exposure of infants and concealment of birth ..	62	45	33	68	34	21	..	13
Hurt	35,465	23,066	20,580	46,335	35,541	4,747	23	6,024
Wrongful restraint and wrongful confinement ..	2,885	1,414	1,373	3,393	2,581	307	2	503
Criminal force or assault	19,581	9,776	8,475	16,326	13,029	1,356	2	1,939
Kidnapping, forcible abduction, slavery and forced labour	1,497	837	801	2,432	1,599	361	1	471
Rape	241	191	162	360	187	119	..	54
Unnatural offence	74	55	51	66	29	24	..	13
Against property.								
Theft	43,105	29,042	20,024	41,673	21,197	12,440	42	7,994
Extortion	538	227	241	556	417	18	1	120
Robbery and dacoity	1,417	1,089	671	3,256	1,319	977	8	952
Criminal misappropriation	2,417	1,285	1,263	1,897	1,541	109	2	245
Criminal breach of trust	4,835	2,936	2,877	4,219	2,873	549	5	792
Receiving stolen property	3,572	3,016	2,887	5,080	1,600	2,661	8	811
Cheating	6,037	3,489	3,345	5,799	4,099	699	5	996
Fraudulent deeds and disposition of property ..	112	70	65	174	113	25	..	36
Mischief	17,480	9,150	8,336	22,698	15,071	1,777	12	5,838
Criminal trespass	27,446	16,342	9,803	22,169	15,147	3,473	11	3.538
Relating to documents and to trade or property marks	450	317	271	652	355	121	..	176
Criminal breach of contracts of service ..	..	..	..	..	..	..	..	..
Relating to marriage	4,560	2,391	2,349	5,303	4,241	220	3	839
Defamation	633	314	353	622	453	42	..	127
Criminal intimidation, insult and annoyance ..	3,204	1,623	1,526	2,553	1,867	370	16	300
Under special and local laws	229,102	217,342	197,505	242,534	25,347	213,084	71	4,032
Total ..	418,901	335,762	294,341	456,911	158,755	256,414	244	41,498

Annual Statement 3—(Criminal).

General Results of Trials of Criminal Cases in the Province of Bengal in the year 1941.

Class of Tribunal.	Number of offences reported.	Number of persons under trial.	Persons whose cases were disposed of—					Number of persons released on probation under section 562, Cr. P. Code.
			Discharged or acquitted.	Convicted.	Committed or referred.	Died, escaped or transferred to another province.	Persons remaining under trial at the end of the year.	
1	2	3	4	5	6	7	8	9
I—MAGISTRATES.								
Union Benches	85,409	(a)169,384	126,655	8,458	..	..	29,568	..
Special Magistrates under section 14 ..		328	220	26	..	..	82	..
Subordinate Magistrates—								
Honorary Magistrates sitting singly—								
Second and Third class		40,355	17,383	18,990	..	20	3,962	40
First class		91,952	8,952	80,384	179	15	2,422	245
Stipendiary Magistrates sitting singly—								
Second and Third class		60,297	28,764	25,003	77	27	6,426	128
First class—								
Under ordinary powers	418,901	251,693	96,926	122,216	5,899	144	26,508	3,087
Under special powers under section 34		..	..	..	..	..	..	..
Benches of Magistrates		11,089	3,565	6,878	1	24	621	4
District and Divisional Magistrates—Cases referred under sections 347 and 349 ..		85	3	75	4	1	2	..
Chief Magistrates of Districts—								
Under ordinary powers		33	8	25	..	..	..	..
Under special powers under section 34 ..		..	..	..	..	..	..	..
Total ..	418,901	455,832	155,821	253,597	6,160	231	40,023	3,504
II—COURTS OF SESSION.								
Assistant Judges	..	2,737	1,228	1,178	33	3	295	9
Judges and Additional Judges	..	4,446	1,618	1,564	92	8	1,164	5
Total ..	..	7,183	2,846	2,742	125	11	1,459	14
III—HIGH COURT GENERAL JURISDICTION.								
High Court.								
Cases coming before the Court under section 526, Cr. P. C.	..	..	..	..	..	..	..	..
Cases committed under Act XIV of 1908 ..	..	..	..	..	..	..	..	..
Cases committed by the Presidency Magistrates	..	(b)49	35	12	..	1	1	..
Cases committed under section 447, sub-section (2), Cr. P. C.	..	..	..	..	..	..	..	..
Cases referred by Sessions Judges under section 307, Cr. P. C.	..	103	47	44	..	1	11	..
Cases referred by Sessions Judges under section 374, Cr. P. C.	..	(c)31	6	19	..	..	4	..
Total ..	..	183	88	75	..	2	16	..
GRAND TOTAL ..	504,310	632,582	285,410	264,872	6,285	244	71,066	3,518

(a) Includes 4,703 persons transferred under section 66 proviso B of the Bengal Village Self-Government Act of 1919.
(b) Includes 2 persons in two split up cases.
(c) Includes 2 persons in whose cases High Court ordered re-trial.
Column 5 includes the persons shown in column 9 of the statement

Annual Statement 4—(Criminal).

Punishments inflicted in Criminal Cases in the Province of Bengal in the year 1941.

Class of Tribunal.	Number of persons executed.	Number of persons sentenced to—						Fine of—		Total amount of fines—			Number of persons sentenced to imprisonment of—			
		Death.	Transportation or penal servitude.	Imprisonment.	Fine or forfeiture.	Whipping.	Give security.	Rupees 10 and under.	Over Rs. 10.	Imposed.	Realised.	Paid as compensation.	Fifteen days and under.	Above fifteen days to six months.	Above six months to two years.	Above two years.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
										Rs.	Rs.	Rs.				
I.—MAGISTRATES.																
Union Benches	..	..	..	614	7,844	..	..	6,936	908	45,585	24,621	1,098	614	..	..	..
Special Magistrates under section 14	..	..	..	16	18	..	..	3	15	1,113	53	..	5	11	..	..
Subordinate Magistrates—																
Honorary Magistrates sitting singly—																
Second and Third class	..	..	..	416	18,696	..	..	16,590	2,106	71,948	41,007	6,216	139	277	..	..
First class	..	..	..	1,735	73,794	86	88	72,204	1,590	70,479	31,017	6,524	282	1,178	275	..
Stipendiary Magistrates sitting singly—																
Second and Third class	..	..	..	2,888	22,282	1	158	17,524	4,758	1,90,164	97,926	15,172	492	2,387	9	..
First class—																
Under ordinary powers	..	..	..	16,116	73,322	209	2,423	56,128	17,194	9,79,521	6,08,897	45,861	1,712	9,625	4,777	2
Under special powers under section 34 ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Benches of Magistrates	..	..	..	21	6,691	..	..	5,735	956	21,504	16,855	697	..	21	..	..
District and Divisional Magistrates—Cases referred under sections 347, 349	..	..	..	68	3	..	..	..	3	800	20	..	..	9	59	..
Chief Magistrates of districts—																
Under ordinary powers	..	..	..	25	..	..	..	..	..	..	..	..	..	16	9	..
Under special powers under section 34 ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	..	..	..	21,285	194,806	296	2,669	168,184	26,622	13,35,529	7,95,775	74,470	2,630	13,524	5,129	2
II.—COURTS OF SESSION.																
Assistant Judges	..	..	..	1,188	41	18	2	1	40	5,430	364	100	6	106	327	749
Judges and Additional Judges	..	..	108	1,400	12	14	81	3	9	4,437	538	..	3	110	407	880
Total ..	..	..	108	2,588	53	32	83	4	49	9,867	902	100	9	216	734	1,629
III.—HIGH COURT GENERAL JURISDICTION.																
HIGH COURT.																
Cases coming before the Court under section 526, Cr. P. C.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cases committed under Act XIV of 1908 ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cases committed by the Presidency Magistrates ..	..	..	4	8	..	..	..	..	..	..	..	..	..	..	1	7
Cases committed under section 447, sub-section (2), Cr. P. C.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cases referred by Sessions Judges under section 307, Cr. P. C.	..	..	..	44	..	..	..	..	..	..	..	..	..	22	10	12
Cases referred by Sessions Judges under section 374, Cr. P. C.	3	12	6	1	..	..	..	..	..	..	..	..	..	..	..	1
Total ..	3	12	10	53	..	..	..	..	..	..	..	..	..	22	11	20
GRAND TOTAL ..	3	12	118	24,540	202,703	328	2,752	175,124	27,579	13,90,981	8,21,298	75,668	3,253	13,762	5,874	1,651

Annual Statement 5—(Criminal).

General Results of Appeals and Revisions in the Province of Bengal during the year 1941.

Class of Tribunal.	Number of persons.							
	Number of appellants and applicants for revision before the Courts.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence altered.	Sentence reversed.	Otherwise disposed of.	Died, escaped, or transferred to another Province.	Pending trial.
1	2	3	4	5	6	7	8	9
APPEALS.								
To District Magistrates from Subordinate Magistrates	7,760	1,558	2,184	983	1,969	125	1	940
To Courts of Session from—								
Magistrates	8,939	2,051	2,904	1,173	1,892	120	2	797
Assistant Judges	533	152	156	56	41	34	..	94
To Superior Courts—								
By persons convicted—								
Presidency Magistrates	148	97	15	3	17	2	..	14
Other Magistrates	..	..	..	..	..	..		
Sessions Judges	1,538	951	181	96	64	38	..	208
By Government from judgments of acquittal under section 417 from all courts ..	83	2	13	..	..	..	..	68
Total ..	19,001	4,811	5,453	2,311	3,983	319	3	2,121
REVISION.								
Union Benches (revision under section 71 of the Bengal Village Self-Government Act) ..	1,535	266	449	114	222	128	5	351
By District Magistrates of order of Subordinate Magistrates	2,048	760	656	33	215	201	6	177
By Courts of Session of order of Magistrates ..	7,503	1,608	3,589	8	117	1,560	15	606
By High Court (cases referred for orders under sections 432, 438) of order of Magistrates ..	765	..	354	25	113	196	..	77
By High Court (cases dealt with under section 435) of order of—								
Magistrates	1,202	559	152	48	92	195	..	156
Courts of Session	2,145	1,253	267	150	122	58	..	295
Total ..	13,663	4,180	5,018	264	659	2,210	21	1,311
GRAND TOTAL ..	34,199	9,257	10,920	2,689	4,864	2,657	29	3,783

A

Criminal business coming before the High Court from the Province of Bengal in 1941.

Description of cases.	Remaining from 1940.	Filed in 1941.	Disposed of in 1941.	Remaining at the close of 1941.
1	2	3	4	5
ORIGINAL CRIMINAL JURISDICTION.				
Sessions Cases.				
Cases under section 526, Criminal Procedure Code	..	..	..	..
Cases committed by the Presidency Magistrates	2	24	(a) 26	(b) 1
Cases committed under section 447, sub-section (2), Criminal Procedure Code	..	..	..	..
Cases committed under Act XIV of 1908	..	..	..	..
Total ..	2	24	(a) 26	(b) 1
APPELLATE JURISDICTION.				
Appeals.				
By persons convicted—				
From the orders of the Presidency Magistrates	20	114	121	13
Other Magistrates	..	..	..	..
Sessions Judges	70	532	526	76
By the Provincial Government—				
From judgments of acquittal of all Courts	3	9	7	5
Total ..	93	655	654	94
References.				
Cases in which the Sessions Judge dissented from the verdict of a Jury and referred under section 307, Criminal Procedure Code	5	37	35	7
Cases in which sentences of death passed by the Sessions Judge were referred for confirmation under section 374, Criminal Procedure Code, and section 4 of Act XXII of 1860	..	27	23	4
Cases in which proceedings held against persons who cannot understand them were referred for orders under section 341, Criminal Procedure Code	..	1	1	..
Reference under section 339, Criminal Procedure Code	..	..	..	..
Reference by Presidency Magistrates under section 432, Criminal Procedure Code	..	..	..	..
Reference by Presidency Magistrates under section 123, Criminal Procedure Code	..	..	..	..
Total ..	5	65	59	11
Revisions.				
Cases referred for revision by District Magistrates and Sessions Judges under section 438, Criminal Procedure Code	33	182	182	33
Cases dealt with by the Court under section 435, Criminal Procedure Code, and under section 15 of the Charter Act—				
(1) Cases decided by Magistrates	50	538	511	77
(2) Cases decided by Sessions Judges	75	653	618	110
Cases under sections 195 and 476, Criminal Procedure Code	..	9	6	3
Cases dealt with under section 526, Criminal Procedure Code	2	75	71	6
Total ..	160	1,457	1,388	229
Full Bench Reference	..	1	..	1
Miscellaneous orders in Court	1	64	65	..
Total ..	1	65	65	1

(a) One case was split up into 3 cases.
(b) Besides, one case abated on the death of the accused.

BGP-42/3-917 1C-275.